

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaints 22-368 and 23-147

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Judge: John F. Kelliher, Jr.

Complainants: David M. Morgan  
Lacey Dupont

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**AMENDED ORDER**

Two complainants alleged improper demeanor and bias by a superior court judge conducting a hearing in a juvenile case.

At the beginning of a hearing in a juvenile case, the attorney for the State requested that the hearing be closed to the public. The judge responded to this request by asking mother's attorney, "Is your client high?" After the attorney and her client denied any impairment, the judge continued to lecture the mother for approximately six additional minutes before addressing the request to close the hearing. During that time the judge made statements such as, "Ma'am if you're not high, then I need to find a different job. I don't think I need to find a different job." The judge continued with the statement, "ask yourself why we are here. Are we here because you've made good decisions?," and also the statement, "continue to make the same decisions and you will lose your children." The judge never stated for the record his basis for believing the mother was impaired. During the course of its investigation, the Commission contacted another individual who was present during the hearing. That individual did not recall any outward signs of possible impairment such as disheveled appearance or fidgeting. The judge's statements to mother were condescending, irrelevant to the pending request to close the hearing and served only to extend the length of the hearing and cause the mother unnecessary distress.

After the hearing was closed to the public, the judge made additional gratuitously demeaning statements to the mother. The judge stated to the mother, "We don't believe you. Your words don't matter. Trust but verify." The judge also derided the mother about being homeless and "couch surfing," despite her statements that she was renting a room in a house and working at a part-time job.

The Commission finds the judge's conduct in this matter violated the following provisions of the Code:

Rule 1.2 (Promoting Confidence in the Judiciary), which states, "A judge shall act at all times in a manner that promotes public confidence in the independence,

integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

Rule 2.2 (Impartiality and Fairness), which states: “A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.”

Rule 2.6(A) (Ensuring the Right to Be Heard), which requires a judge to “. . . accord to every person who has a legal interest in the proceeding, or that person’s lawyer, the right to be heard according to law.”

Rule 2.8(B) (Decorum, Demeanor, and Communication with Jurors), which requires that “[a] judge shall be patient, dignified, and courteous to litigants . . .”

Accordingly, Cochise County Superior Court Judge John F. Kelliher, Jr., is hereby publicly reprimanded for the conduct described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the Complaint, the judicial officer’s response, the reprimand Order dated August 30, 2023, and this reprimand Amended Order shall be made public as required by Commission Rule 9(a).

The complainant in Case No. 22-368 separately requested a copy of the judge’s response to the Commission’s investigation. The Commission deems this request moot due to the public disposition of these complaints.

Commission members Denise K. Aguilar and Michael J. Brown did not participate in the consideration of this matter.

Dated: December 28, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring  
Commission Chair

Copies of this order were distributed to all appropriate persons on December 28, 2023.

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-368 and 23-147

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Commission members Denise K. Aguilar and Michael J. Brown did not participate in the consideration of this matter.

Dated: August 30, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring  
Commission Chair

Copies of this order were distributed to all appropriate persons on August 30, 2023.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**2023-147**

**COMPLAINT AGAINST A JUDGE**

Name: Lacey Dupont

Judge's Name: John F. Kelliher, Jr.

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

During my first hearing before Judge Kelliher on October 03, 2022, he almost immediately asked me if I was high. When I denied being high, he told me I was making bad decisions and that if I wasn't high then he should find another profession because he has seen a lot of tweakers. This statement sounded like he was calling me a "tweaker" which is a common reference to people who use methamphetamines. Judge Kelliher was in violation of Rule 2.2, Rule 2.3, Rule 2.8, and Rule 1.2 when he repeatedly berated me and accused me of being high. The Judge did not demonstrate impartiality or fairness towards me and I believe the Attorney General had communications with the Judge off the record in reference to me being under the influence of a substance. The Judge's treatment of me during this hearing was harassing and demonstrated bias against me. I had also brought with me a member of the press who has been considered a "thorn" and I believe this also led to Judge Kelliher questioning my decision-making when he had never met me or had prior knowledge of me.

During my adjudication hearing in January 2023, Judge Kelliher started the hearing by refusing to grant a continuance based upon my lack of meaningful contact with my attorney and feeling prepared to proceed with a trial. Judge Kelliher also stated he would not take a No Contest plea from me because he wasn't allowed to take a plea if someone had used substances within the past 24 hours. This began his repeated inferences that I was under the influence and a repeated substance abuser. Judge Kelliher told me that he has reason to distrust me and required me to take my laptop out of the courtroom. The Judge then went on to state that I was attempting to delay the proceedings without good cause. He told me that he is left with the impression that I am under the influence and that "I don't know what your endgame is," but it's not parenting your children."

Judge Kelliher also told me that, "I don't know that you've made any good decisions in this courtroom."

Judge Kelliher tells me to change my attitude and interrupts me when I am asking questions. The Judge tells me that he believes I need inpatient treatment and that I am "fooling the system."

Judge Kelliher's lengthy and degrading commentary towards me is not demonstrative of what the judicial system should be towards parties. There are likely more violations than what I have mentioned here and it is overwhelming to attempt to remember everything that has been hurled at me. I would ask the commission to review the audio recordings from the hearings in my case and put a stop to Judge Kelliher's egregious treatment of me. I have zero confidence in the judicial system at this point and am afraid of what is going to happen if Judge Kelliher is allowed to continue to treat me this way in my case.

**John Kelliher**  
Judge  
Division II



**Superior Court  
Cochise County**

100 Colonia De Salud, Suite 203  
Sierra Vista, Arizona 85635  
(520) 803-3300  
Fax (520) 803-3308

**Resp (Kelliher, Jr.)**  
**22-368 & 23-147**  
**Apr 12 2023**

Members of the Judicial Commission  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

Re: Notice of Complaint and Opportunity to Respond (Case No.22-368)

Dear Commission Members:

I offer the following in response to the afore mentioned Complaint.

To give context to the Complaint and this Response, some context, I believe, will render a more complete review of my alleged derogatory and disrespectful manner during the Preliminary Protective Hearing (P.P.H.) conducted on October 3, 2022.

The P.P.H. was precipitated by the filing of a Dependency Petition by the Department of Child Safety (D.C.S.) on September 27, 2022. The substantive allegations against the mother, Dupont, revolved around mother's long history of substance abuse and the "multiple reports of mother's drug use affecting her parenting." D.C.S. initially contacted mother on April 1, 2022, wherein mother allegedly agreed to schedule a time to meet and complete a drug screen. D.C.S. did not hear from mother again until late September 2022.

During the Team Decision Making meeting held on September 26, 2022, family members "reported that mother has been observed 'passed out' in a vehicle in front of a house." Additionally, and only recently it has come to my attention, that someone, despite the admonition stated at the

**John Kelliher**  
Judge  
Division II



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Cochise County**

100 Colonia De Salud, Suite 203  
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Fax (520) 803-3308

beginning of every hearing, has surreptitiously recorded the audio of the three (3) hearings I have held in this matter since its inception. These audio recordings were then downloaded to the internet and provided on YouTube.

While I do not know for a fact who caused this to be, I have a strong suspicion that it was a "friend of the family" who attended the hearing by telephone from another state and without my knowledge that she was on the telephone line during at least the concluding portion of the Dependency Adjudication Trial in January 2023. I had previously "removed" this woman from the telephone because of her disruptive behavior and somehow, she returned, via telephone, when we resumed the trial after breaking for lunch. This behavior is in violation of A.R.S. §-525. All three (3) hearings were all closed upon motion of the children's attorney as well as the Assistant Attorney General, over the objection of Ms. Dupont's attorney. I have listened to the forty-nine plus (49+) minute recording of the October 3, 2022, P.P.H.

I can and do readily admit that I was direct and firm with Ms. Dupont. I confronted her on whether she was high because she clearly appeared to be under the influence. I routinely inform parents, especially in P.P.H.'s that I am not there to punish them but to encourage, inspire, and motivate them to make better decisions resulting in better behaviors, increasing the likelihood of better outcomes. I stress that in order to make better decisions, they must first begin to be honest with themselves. I go on to stress that everything D.C.S. offers parents in the way of services is voluntary, that no one is required (forced) to do anything.

**John Kelliher**  
Judge  
Division II



**Superior Court  
Cochise County**

100 Colonia De Salud, Suite 203  
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(520) 803-3300  
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I explain the outcomes to the various choices parents get to make in the dependency proceeding. Much like the required script in all P.P.H.'s, I repeat myself to emphasize the very important choices and outcomes. I do this more often with parents who come before me when they are suspected of or are clearly high.

Ms. Dupont was clearly under the influence on/during the October 3, 2022, P.P.H. knowing or having a strong suspicion a parent is under the influence while in Court does factor in how I address the parent and what I say to her, off script. Simply reciting the written script to parents not under the influence is confusing and less than informative; I know this to be true across the board. When a parent is suspected of being under the influence, it's incumbent to speak clearer, simpler, and more direct in order to maximize the chances of conveying the information necessary to allow the parent to understand her choices and the consequences, as the script reads, from those choices.

I did this for Ms. Dupont. I was direct, straight forward, and compassionate in addressing her. I believe this is borne out through the tone of my voice and my choice of words. I did confront Ms. Dupont about her substance use, and I confronted her about her being under the influence. I was compassionate while being direct. I do not believe I was derogatory, and I certainly do not believe I was disrespectful.

I spoke to Ms. Dupont from the heart. She expressed a desire to parent her children and I compassionately told her she needed to start the process of making better decisions resulting in better behaviors by first being honest with herself, which she was not. Everything I share with parents comes

**John Kelliher**  
Judge  
Division II



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100 Colonia De Salud, Suite 203  
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from my training through the various programs by sponsored by the Courts. I am empathetic and I hold people accountable at the same time. That is not disrespect or derogatory.

I own my decisions. To be responsible for how my honesty is received by others should not be on me.

In closing, it is noteworthy that the actual complainant was not in the hearing and the information he puts forth in his complaint most probably came from Ms. Dupont who was not of clear mind during the P.P.H.

John F. Kelliher, Jr.

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**From:** Collins, Deidera

**Sent:** Monday, September 25, 2023 3:26 PM

**To:** Worth, Ariel >

**Subject:** Motion for Reconsideration RE: Commission on Judicial Conduct Case No. 23-147 (Dupont)

Judicial Commission of Arizona  
c/o Ariel Worth, Esq.

Pursuant to Rule 23(b)(1), Commission on Judicial Conduct Rules, I respectfully Motion the Commission to reconsider its Order in Complaint 22-368 and 23-147.

The Commission, during its investigation, “contacted another individual who was present during the hearing. That individual did not recall any outward signs of possible impairment....”

I respectfully request that the Commission contact other individuals who had contact with Mrs. Dupont prior to the Preliminary Protective Hearing to ascertain whether they detected signs of impairment.

I have had sixty-six plus (66+) years of life and forty-one plus (41+) years of professional experience. I can recognize when someone I can personally see, and watch is under the influence. In addition, over the past four plus (4+) years I have been assigned to the Dependency Calendar, I can attest that it is my overwhelming experience that a significant percentage of all the dependencies that have come before me involve substance abuse and mental health issues.

Add to those facts that I read the Preliminary Protective Hearing (P.P.H.) reports as allowed by statute before every P.P.H. and they reveal the underlying reasons for the probable cause finding, I can reasonably calculate the probabilities that a parent or parents are abusing substances. This is critical to how I approach each P.P.H. because I know from training that babies cannot wait for their parents to begin making better decisions, especially to attain and sustain sobriety.

The P.P.H. is my first opportunity to impress upon parents that time is of the essence and that the first step they must absolutely embrace is being honest with themselves. From that foundation better decisions, better behaviors and better outcomes naturally follow.

My dependency training has also led me to adopt a trauma-informed court process. While expressing empathy I have been instructed time and again that holding parents accountable is an integral part of the trauma-informed process.

Confronting parents at the outset with their under-the-influence appearance is essential to successful family reunification goal. Not confronting the obvious at the earliest opportunity increases the probability that families will not reunite and is not fair to those families or consistent with my Arizona Office of the Courts training.

I want parents to parent their children.

In conclusion, I wish the Commission to reconsider its decision of a public censure and

consider re-opening its investigation to include additional fact witnesses who will support my belief that the parent was under the influence during the P.P.H., and with that factor in the above-stated reasons for my direct holding the instant parent accountable.

A public censure is not necessary.

Thank you for your consideration,

Honorable John F. Kelliher, Jr.

Deidera Collins  
Judicial Administrative Assistant  
DIV II, Judge Kelliher  
100 Colonia De Salud  
Sierra Vista, AZ 85635

520-803-3300

Arizona Commission on Judicial Conduct  
1501 West Washington Street, Suite 229  
Phoenix, Arizona 85007  
Telephone: (602) 452-3200

**STATE OF ARIZONA**  
**COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning

**Judge John F. Kelliher, Jr.**  
Cochise County Superior Court  
State of Arizona,

Respondent.

)  
) Case Nos.: 22-368 and 23-147  
)

) **ORDER DIRECTING THE FILING**  
) **OF A RESPONSE**  
)  
)  
)

Respondent Judge John F. Kelliher, Jr., filed a Motion for Reconsideration of the public reprimand issued on August 30, 2023.

IT IS ORDERED that Disciplinary Counsel for the Commission shall prepare and file a response to Respondent's motion by October 10, 2023. Disciplinary Counsel shall provide a copy of the Response to Respondent on or before October 10, 2023. Absent a request from the Commission, Respondent may not submit a written reply brief or any additional materials.

Dated this 26th day of September, 2023.

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring  
Commission Chair

A copy of this order was delivered on September 26, 2023, via electronic mail, to:

Hon. John F. Kelliher, Jr.  
Cochise County Superior Court

Respondent

Ariel I. Worth, Esq.  
Arizona Commission on Judicial Conduct

Disciplinary Counsel

By: /s/ Kim Welch  
Kim Welch, Commission Clerk

Ariel I. Worth (Bar # 018702)  
Disciplinary Counsel  
Arizona Commission on Judicial Conduct  
1501 West Washington Street, Suite 229  
Phoenix, AZ 85007  
Telephone: (602) 452-3200  
Email: *aworth@courts.az.gov*

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning	)	
	)	Case Nos. 22-368 & 23-147
<b>Judge John F. Kelliher, Jr.</b>	)	
	)	<b>RESPONSE TO JUDGE'S</b>
Cochise County Superior Court	)	<b>MOTION FOR</b>
State of Arizona,	)	<b>RECONSIDERATION</b>
	)	
Respondent.	)	

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On August 30, 2023, the Commission on Judicial Conduct (Commission) publicly reprimanded Judge John F. Kelliher, Jr., (Respondent) for violations of the Arizona Code of Judicial Conduct (Code). Respondent timely requested reconsideration of this order on September 25, 2023. Undersigned submits this response pursuant to Commission Rule 23(b), respectfully requesting that the Commission deny the motion.

**Factors Supporting a Sanction**

The Scope section of the Code sets forth several factors for the Commission to consider in determining whether a sanction is appropriate in a particular case. These factors are the seriousness of the transgression, the facts and circumstances existing at the time of the transgression, the extent of any pattern of improper activity or

previous violations, and the effect of the improper activity upon the judicial system or others. On balance, these factors support the issuance of the reprimand. The reprimand addresses Respondent's statements toward a litigant during a hearing conducted on October 3, 2022. The statements were demeaning and unnecessary. The public must have confidence in the independence, integrity, and impartiality of the judiciary. Respondent's interaction with the litigant lacked patience, courtesy, and dignity. Respondent's conduct impacted the litigant's right to be heard and further gave an appearance that the proceeding was not conducted fairly. Thus, the transgression is serious.

The imposition of the public reprimand comports with the principles of Commission Rule 5 (Purpose of Judicial Discipline). That rule states:

The purpose of the judicial discipline and incapacity system is to protect the public and to maintain high standards for the judiciary and the administration of justice. Any disciplinary remedy or sanction imposed shall be sufficient to restore and maintain the dignity and honor of the position and to protect the public by assuring that the judge will refrain from similar acts of misconduct in the future.

Here, the nature of the misconduct was primarily public, in the courtroom.<sup>1</sup> The harm caused, in part, was to the public's perception of the judiciary and trust in the institution. Issuing public discipline in response to underlying public misconduct helps restore dignity and honor to the judiciary. Further, the public nature of the reprimand allows other members of the judiciary to learn from the misconduct that

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<sup>1</sup> The October 3, 2022, hearing was closed after approximately eleven minutes. The dialogue between Respondent and the litigant regarding suspected drug use occurred before the hearing was closed.

warranted the reprimand. This opportunity, which helps protect the public generally, is lost if the Commission adopts a non-public resolution of this matter. The purpose of judicial discipline is to restore and maintain the dignity and honor of the position and to protect the public. The public reprimand is the best way to achieve those ends.

Respondent has additionally requested the Commission undertake additional investigation regarding the events of October 3, 2022. Respondent suggests additional witness accounts will provide important context for his conduct. Commission Rule 23(b)(1) regarding motions for reconsideration provides that “[a]bsent extraordinary circumstances, the commission will only consider factual information and evidence provided to it before the date of the disposition order.” Respondent has not stated extraordinary circumstances warranting further investigation, but rather has simply suggested that additional fact witnesses will support his belief that the litigant was “under the influence” at that time of the October 3, 2022, hearing, and that his conduct toward her was appropriate. Notably, Respondent has never offered his own observations as to the specific conduct of the litigant indicating impairment (*e.g.*, slurred speech, fidgeting, poor hygiene, etc.) despite the opportunity to do so. Respondent has only repeatedly announced his conclusion that impairment was obvious to him and therefore his comments in court were appropriate. Overall, there is no basis for additional investigation.

### **Aggravating and Mitigating Factors**

Rule 19 of the Commission Rules sets forth ten aggravating and mitigating factors for the Commission to also consider.

Nature, Extent and Frequency of the Misconduct: Respondent's conduct in this case occurred during a single hearing. However, Respondent has been repeatedly reminded of the importance of complying with Rule 2.8(B), which states, "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control."

Respondent's history with the Commission demonstrates repeated instances of similarly concerning conduct:

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- Public reprimand in Case No. 22-430 for violations of Rules 1.2 and 2.8(B) for disrespectful treatment of a father who was present without his attorney at a juvenile proceeding.
  
- Public reprimand in Case No. 22-157 for violation of Rules 12 and 2.8(B) for using a dismissive hand gesture while an attorney, who was appearing telephonically, made an argument.

This history is an aggravating factor.

Judge's Experience and Length of Service on the Bench: Respondent has served as a judicial officer for approximately thirteen years and should be reasonably well-versed regarding the Code. Undersigned deems this a slightly aggravating factor.

Whether the Conduct Occurred in the Judge's Official Capacity or Private Life: The conduct occurred in Respondent's official capacity while in the courtroom and carrying the full authority of his office. Undersigned deems this an aggravating factor.

Nature and Extent to Which the Acts of Misconduct Injured Other Persons or Respect for the Judiciary: The conduct affected the litigant's right to due process as it chilled her ability and willingness to speak up on her own behalf. The public nature of the conduct negatively impacted the public perception and respect for the judiciary. This is an aggravating factor.

Whether and to What Extent the Judge Exploited his or her Position for Improper Purposes: Undersigned finds this factor inapplicable.

Whether the Judge has Recognized and Acknowledged the Wrongful Nature of the Conduct and Manifested an Effort to Change or Reform the Conduct: Respondent does not appear to appreciate the wrongful nature of his conduct. When responding to the Commission, Respondent has stated he was "direct, straightforward, and compassionate in addressing" the litigant. Respondent further stated that he was "empathetic" and addressed the litigant "from the heart." These responses indicate

that Respondent is unaware of how his statements are perceived by others, and that he is unwilling or unable to make an accurate self-assessment of his conduct even when it is brought into question. On the balance, undersigned finds this to be an aggravating factor.

Whether There has Been Prior Disciplinary Action Concerning the Judge, and if so, its Remoteness and Relevance to the Present Proceeding: As discussed previously, Respondent has two prior public reprimands in Case Nos. 22-157 and 22-430. These cases also involved a lack of courtesy and dignity while conducting court business.

Undersigned notes that the reprimands in Case Nos. 22-157 and 22-430 were issued on March 17, 2023, for misconduct committed during 2022. Although the August 30, 2023, reprimand order was issued subsequently to those earlier orders, Respondent did not engage in new or additional misconduct. Thus, Case Nos. 22-157 and 22-430 are not prior discipline in terms of the timing of the misconduct sanctioned. The prior reprimands, however, demonstrate a pattern or practice of violations of Rule 2.8(B).

Overall, undersigned finds Respondent's prior discipline to be a neutral factor.

Whether the Judge Complied with Prior Discipline or Requested and Complied with a Formal Ethics Advisory Opinion: Undersigned does not deem this factor as applicable as Respondent did not have prior discipline at the time of the misconduct and has not acted in reliance upon a formal ethics advisory opinion.

Whether the Judge Cooperated Fully and Honestly with the Commission in the Proceeding: Undersigned believes Respondent has cooperated fully and honestly. This is a mitigating factor.

Whether the Judge was Suffering from Personal or Emotional Problems, or from Physical or Mental Disability or Impairment at the Time of the Misconduct: This was not raised as a defense by Respondent, and undersigned does not deem this factor applicable to this case.

While the aggravating factors outweigh the mitigating factors numerically, the Commission is free to assign whatever weight it chooses to the factors. Given the nature of the conduct, Respondent's experience, and the injury to the public perception of the judiciary, undersigned argues that the overall balance is in favor of upholding the sanction.

### CONCLUSION

Based on the foregoing, undersigned recommends that the Commission deny Respondent's Motion for Reconsideration and affirm the imposition of the public reprimand issued on August 30, 2023. Undersigned further requests a protective order regarding the discussion of confidential matters regarding Respondent's prior history (non-public discipline) with the Commission as set forth on page four of this pleading.

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COMMISSION ON JUDICIAL CONDUCT

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Ariel I. Worth  
Disciplinary Counsel

A copy of this document was electronically served this 4th day of October, 2023 to:

Hon. John F. Kelliher, Jr.  
Cochise County Superior Court

Respondent

Ariel I. Worth, Esq.  
Arizona Commission on Judicial Conduct

Disciplinary Counsel

By: /s/ Dora Ruelas Rivera  
Dora Ruelas Rivera, Administrative Assistant II

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaints 22-368 and 23-147

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Judge: John F. Kelliher, Jr.

Complainants: David M. Morgan  
Lacey Dupont

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**ORDER DENYING RESPONDENT JUDGE'S  
MOTION FOR RECONSIDERATION AND ORDER ISSUING AMENDED  
REPRIMAND ORDER**

The respondent judicial officer filed a Motion for Reconsideration of the Commission's reprimand decision as set forth in its previous order. Pursuant to Commission Policy 23, disciplinary counsel was requested to file a response to the motion, and did so.

On December 8, 2023, the Commission denied the Motion for Reconsideration. The Commission amended its previously issued reprimand Order to correct a non-substantive drafting error. As provided in Commission Policy 23, the respondent judicial officer's Motion for Reconsideration, disciplinary counsel's response, and this Order denying the Motion for Reconsideration shall be made a part of the record that is posted to the Commission's website with the other public documents (the Complaint, the judicial officer's response, the reprimand Order dated August 30, 2023, and the reprimand Amended Order dated December 28, 2023).

Commission members Denise K. Aguilar, Roger D. Barton, Louis Frank Dominguez, and Regina L. Nassen did not participate in the consideration of this matter.

Dated: December 28, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring  
Hon. Christopher P. Staring  
Commission Chair

Copies of this order were distributed to all appropriate persons on December 28, 2023.